

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09MC198-RJC-DSC**

NORTH AMERICAN SAVINGS BANK, FSB,)

Plaintiff,)

v.)

MELVIN HENDERSON, et. al.,)

Defendants,)

INGRAM WALTERS AND ERIN WALTERS,)

Third-Party Plaintiffs,)

v.)

TODD BROCKMAN, et. al.,)

Third-Party Defendants.)

Re: Action Pending in Eastern District of)
North Carolina, Civil Action No. 5:08CV-00601)

_____)

ORDER

THIS MATTER is before the Court on “Joint Motion by Ingram and Erin Walters, Chris Grissom and Griffin Automotive Group, LLC to Quash Subpoena” (document #1) and “Memorandum of Law in Support ...” (document #1-1), both filed November 12, 2009; and Todd Brockman’s “Response ... And Cross-Motion for Order to Show Cause and to Expedite Consideration” (document #2) filed November 14, 2009.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and the subject Motion is now ripe for determination.

The Court has carefully reviewed the written arguments, the record, and applicable authority. The Court concludes that the documents that Brockman seeks in his subpoena duces tecum are to some extent discoverable. However, the subject subpoena was not served on the proper party or parties and does not allow respondents a reasonable period of time in which to respond and prepare and serve a privilege log identifying any responsive documents or other information that the respondents contend are subject to attorney-client and/or attorney work product privilege.

The Court directs counsel to confer in a collegial manner and assist their respective clients in resolving these discovery issues promptly and informally without further intervention by the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED:

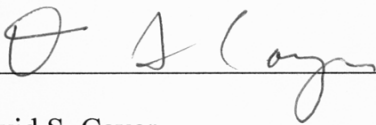
1. The “Joint Motion by Ingram and Erin Walters, Chris Grissom and Griffin Automotive Group, LLC to Quash Subpoena” (document #1) is **GRANTED**, that is, the subject subpoena is **QUASHED WITHOUT PREJUDICE** to Brockman’s right to serve a revised subpoena directed to the proper party or parties that allows a reasonable period of time for respondents to respond and prepare a privilege log.

2. Brockman’s “Cross-Motion for Order to Show Cause” (document #2) is **DENIED**.

3. The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: November 16, 2009

A handwritten signature in cursive script, appearing to read "D. S. Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

